1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA MEL TYRONE EDWARD 10 11 Plaintiff, No. CIV S-03-02584 ALA P 12 VS. 13 S. SCARSELLA, et al., 14 Defendants. ORDER 15 On January 6, 2004, plaintiff filed a motion requesting appointment of counsel. 16 17 On July 19, 2004 the magistrate judge referred this matter to the University of California, King 18 Hall Civil Rights Clinic for review. On June 23, 2005, the magistrate withdrew the referral of 19 this matter to the University of California, King Hall Civil Rights Clinic. On August 3, 2007, 20 the court denied defendants' motion for summary judgment. 21 Upon review of the file and good cause appearing therefor, the court finds as 22 follows: 23 Efforts to obtain legal representation without order of this court would be futile; 24 1. Plaintiff's income is 125 percent or less of the current poverty threshold 25 established by the Office of Management and Budget of the United States and is otherwise 26 without resources to obtain counsel;

## Case 2:03-cv-02584-ALA Document 91 Filed 08/13/07 Page 2 of 2

1	2. This case is of a type that attorneys in this district ordinarily do not accept
2	without prepayment of a fee;
3	3. This case is not a fee generating case within the meaning of California Business
4	and Professions Code § 8030.4(g); and
5	4. This case has sufficient merit to warrant appointment pursuant to General
6	Order No. 230.
7	Accordingly, it is ORDERED that:
8	1. The court requests Ms. Nora Cregan or Ms. Hilarie Lieber, Bingham
9	McCutchen LLP, Three Embarcadero Center, San Francisco, California 94111 to undertake
10	representation of the plaintiff through pretrial proceedings and through trial;
11	2. Counsel shall, within 30 days of this order, notify the court of availability;
12	3. Plaintiff and defendant are temporarily relieved of their obligations to file
13	pretrial statements.
14	DATED: August 10, 2007
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16	/s/ Arthur L. Alarcón UNITED STATES CIRCUIT JUDGE
17	Sitting by Designation
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